

RE 4/20/94

Case No. 25434-
94059P
25434

VOLUNTARY AGREEMENT

Made this 31ST of March, 1994, by and between

DCNV, INC. t/a IL RADICCHIO
1509 17th Street, N.W.
Washington, D. C. 20009
("Applicant")
and

DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION 2B
1347 Connecticut Avenue, N. W.
Washington, D. C. 20036
("Protestant")

WHEREAS, Applicant's application (No. 25434) for reissuance of a Retailer's Class "DR" License is pending before the District of Columbia Alcoholic Beverage Control Board ("Board"); and

WHEREAS, the premises 1509 17th Street, N. W. is within the jurisdictional boundaries of the Protestant; and

WHEREAS, Applicant and Protestant mutually desire to enter into an Agreement setting forth understandings and conditions regarding the Applicant's operations;

NOW THEREFORE, in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, the parties agree as follows:

Applicant will contract with a pest control company and make its best efforts to eliminate rodents from the premises. Applicant will periodically bait the alley adjacent to its premises to control rodent harborage. To complement these efforts, applicant will provide for trash pickup six days a week, after 7 a.m. and before 7 p.m. Applicant will dispose of all trash or garbage in Department of Public Works approved containers that are kept closed and sealed at all times. Applicant will keep the area immediately around its outside trash containers clean and free of debris and trash. Applicant will make its best efforts to keep the area immediately in front of its premises clean and free of trash and debris, as required by D.C. law.

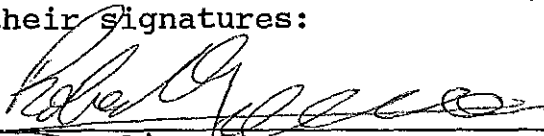
Applicant acknowledges that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for Protestant to petition the ABC Board for issuance of an order to Show Cause, pursuant to 23 D.C.M.R. 1513.5, to gain Applicant's compliance with the terms of this Agreement. Protestant agrees to notify Applicant in writing of any alleged violation of this Agreement and shall afford Applicant fourteen (14) calendar days

to correct, or begin to correct, the violation, prior to notifying the Board.

In consideration of, and in reliance upon, the above-stated covenants and promises, and with the understanding that the stated conditions will be made part of Applicant's license, the Protestant does hereby support approval of the subject application by the ABC Board, and ask that its protest thereof be deemed withdrawn.

This Agreement shall not preclude Protestant from exercising any other rights under the ABC statutes or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered in this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures:


for Applicant

Roberto Dorewa
Print Name

4/5/94
Date


for Dupont Circle ANC 2B

RUSSELL GAMBLE
Print Name

3/20/94
Date

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter:

DCNV, Inc.
t/a Il Radicchio

Application for a retailer's
license class DR - renewal
at premises
1509 17th Street, N.W.
Washington, D.C.

Case No. 25434-94059P

Russell Gamble, Chair, on behalf of Advisory Neighborhood Commission 2B,
Protestant

Kyle Pitsor, President, on behalf of Dupont Circle Citizens Association,
Protestant

Roberto Donna, President, on behalf of Applicant

BEFORE: Mary Eva Candon, Esquire, Chair
James C. Jefferson, Member
James L. O'Dea, III, Esquire, Member
Barbara L. Smith, Esquire, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on April 20, 1994 in accordance with D.C. Code 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Mr. Russell Gamble, Chair, on behalf of the Advisory Neighborhood Commission 2B (hereinafter "ANC 2B"), and Mr. Kyle Pitsor, President, on behalf of the Dupont Circle Citizens Association (hereinafter "DCCA") filed a timely joint protest letter, dated April 4, 1994.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestants have agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

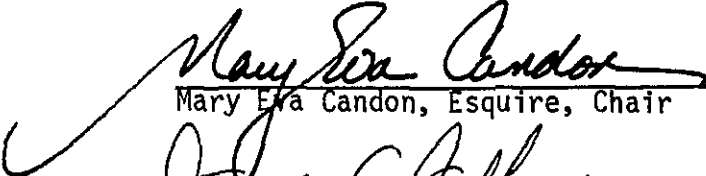
1/ See Agreement dated March 31, 1994.


DCNV, Inc.
t/a Il Radicchio
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Accordingly, it is this 10th day of August 1994 ORDERED
that:

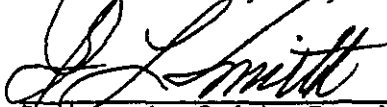
1. The protests of Russell Gamble, Chair, on behalf of ANC 2B, and Kyle Pitsor, President, on behalf of DCCA, be, and the same hereby, are WITHDRAWN;
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of DCNV, Inc. t/a Il Radicchio for a retailer's license class DR - renewal at premises 1509 17th Street, N.W., be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Mary Eva Candon, Esquire, Chair


James C. Jefferson, Member


James L. O'Dea, III, Esquire, Member


Barbara L. Smith, Esquire, Member